

MYRDUS ARCHIE,)	
)	
Petitioner,)	2:10-cv-01968-RLH-NJK
)	
vs.)	ORDER
)	
SHERYL FOSTER, <i>et al.</i> ,)	
)	
Respondents.)	
	/	

This action was dismissed without prejudice, and the case closed administratively, pursuant to an order entered December 7, 2011. (ECF No. 16). The dismissal resulted from petitioner's election to return to state court to exhaust his state-court remedies with respect to certain of his grounds for relief. Petitioner's further state-court proceedings have apparently concluded, and petitioner has now returned to this Court seeking to reopen this case. (ECF No. 30). Petitioner advises he is ready to file an amended petition. The Court will grant petitioner's motion to reopen this case.

IT IS THEREFORE ORDERED that petitioner's motion to reopen this action (ECF No. 30) is **GRANTED**.

1 **IT IS FURTHER ORDERED** that the Clerk shall **REOPEN THE FILE**.

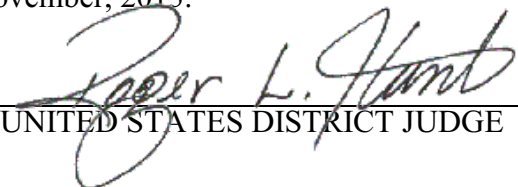
2 **IT IS FURTHER ORDERED** that petitioner shall have **sixty (60) days** from the date of
3 entry of this order to file and serve an amended petition, and if necessary, supplemental exhibits.

4 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** following
5 service of the amended petition within which to answer, or otherwise respond to, the amended
6 petition. In their answer or other response, respondents shall address all claims presented in the
7 amended petition. Respondents shall raise all potential affirmative defenses in the initial responsive
8 pleading, including lack of exhaustion and procedural default. **Successive motions to dismiss will**
9 **not be entertained**. If an answer is filed, respondents shall comply with the requirements of Rule 5
10 of the Rules Governing Proceedings in the United States District Courts under 28 U.S.C. §2254. If
11 an answer is filed, petitioner shall have **forty-five (45) days** from the date of service of the answer to
12 file a reply.

13 **IT FURTHER IS ORDERED** that any state court record exhibits filed by the parties herein
14 shall be filed with an index of exhibits identifying the exhibits by number or letter. The CM/ECF
15 attachments that are filed shall further be identified by the number or numbers (or letter or letters) of
16 the exhibits in the attachment.

17 **IT IS FURTHER ORDERED** that the parties **SHALL SEND** courtesy (paper) copies of all
18 exhibits presented in support of the amended petition and/or the response to the amended petition to
19 the **Reno** Division of this Court. Courtesy copies shall be mailed to the Clerk of Court, 400 S.
20 Virginia St., Reno, NV, 89501, and directed to the attention of "Staff Attorney" on the outside of the
21 mailing address label.

22 Dated this 15th day of November, 2013.

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24 
25 UNITED STATES DISTRICT JUDGE
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